

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.8308 of 2015

A.Murali

.. Petitioner

Vs

- 1 Sri Manakula Vinayagar Medical
College & Hospital
Kalitheerthal Kuppan
Madagadipet Puducherry-605107.
- 2 The Controller of Examinations
Pondicherry University Kalapet
Pondicherry- 605014.
- 3 The Medical Council of India
Represented by its Secretary MCI Building
Pocket-14 Sector-8 Dwarka Phase-1
New Delhi-110077.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS to direct the second respondent to award 5 marks to the petitioner as grace marks in his practical Test of General Surgery in the III Professional part II M.B.B.S. November 2014 examinations as per the Medical Council Regulation

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.V.Balamurugan (R2)
Mr.V.P.Raman (R3)

ORDER

Heard the learned counsel for the parties.

2. The petitioner seeks for the issuance of a writ of mandamus to direct the 2nd respondent to award 5 marks to him as grace marks in his practical Test of General Surgery in the III Professional part II M.B.B.S. November 2014 examinations as per the Medical Council Regulation.

3. It is submitted by the learned counsel for the petitioner that the legal issue raised in this writ petition is squarely covered by the order passed by this Court in WP.No.3272 to 3277 of 2015 dated 16.02.2015, wherein, this court allowed the writ petitions and issued the following directions"-

"15. In the light of the above reasoning, this court is fully satisfied that the regulation which is prevailing is the regulation produced by the petitioners and uploaded in the official website which provides for grant of 5% grace mark and there is no distinction made for practical or theory examination. The past practice of the Respondent University shows that the University has granted grace mark for practical examination held during November 2013 and the mark statement clearly establishes the same.

16. In the light of the above, the petitioners are entitled to succeed and accordingly, the Writ Petitions are allowed and there will be a direction to the 2nd respondent University to award the grace mark to each of the petitioners and consequently declare the results of the petitioners within a period of 10 days from the date of receipt of a copy of this order. No costs. Consequently, all the connected M.P.s, if any, in all the writ petitions are closed".

4. The learned counsels appearing on behalf of the respondents 2 and 3 also accept the position that the matter is covered by the decision of this court in the earlier batch of cases.

5. Accordingly, following the above order, the writ petition is allowed and there will be a direction to the 2nd respondent University to award grace mark to the petitioner and consequently declare the results of the petitioner, within a period of 10 days from the date of receipt of the copy of this order. No costs.

rg/dn

-s/d-
Assistant Registrar(CS-III)
Dt:27/3/2015

True Copy

Sub-Assistant Registrar

To

- 1 Sri Manakula Vinayagar Medical
College & Hospital
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New Delhi-110077.
- + 1 cc to Mr.V.Balamurugan, Advocate SR 17196
- + 1 cc to Mr.V.Raghavachari, Advocate SR 16577

gg(co)
prk27/3



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